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| EXAMINER | |
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| TIMBLIN, ROBERT M | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/632,661 | CASEY ET AL. | |
| | Examiner | Art Unit | |
| | ROBERT TIMBLIN | 2167 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *10-17 and 26-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-17 and 26-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

This office action corresponds to application 10/632,661 which was filed 8/01/2003.

Claims 10-17 and 26-32 have been examined and are pending under prosecution.

### *Specification*

Paragraph 0026 of the specification is objected to because it recites "a an" as found in the line "entities and to derive a an addition content object there from".

Appropriate correction is respectfully requested.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 10-14, 16, 17, and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherman et al. ('Sherman' hereafter, U.S. Patent Application 2002/0051119).**

With respect to claim 10, Sherman teaches A method for utilizing content objects by a content access point within a customer's premises, wherein the method comprises:

accessing a first content object (0004, 0013; e.g. a user is able to retrieve and select a movie or film clip for modification) from a first content object entity (0013; e.g. the film/movie

clip is retrieved from storage device 50) within the customer's premises (0012; e.g. the system 10 comprises a computer 20... the system may also be connected to a local area network; and 0031 wherein the system is implemented on a personal computer. Therein, the personal computer and/or local area network is interpreted to be located within the user, or customer's premises), wherein the first content object (0007; e.g. original movie clip) is in a first content format (0014; The video clips may be stored in any preferred format, including MPEG, AVI, Windows Media, QuickTime, or Real Video format) compatible with the first content object entity (storage 50) and wherein the first content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page (0007; e.g. a movie clip represents at least a video object);

abstracting the first content object to create a second content object in an abstract format (0007, wherein audio in the movie clip is replaced and 0013, wherein the original movie clip is taught as modified. Therein, modification of the movie clip is seen as abstracting and the modified movie clip is a second content object in an abstract format), wherein the abstract format is compatible with a plurality of content formats (0023 which lists content formats the movie clip can be saved as and thus are compatible);

distinguishing (0018 and 0020; e.g. the system saves the file as an encoded audio file) the second content object to create a third content object (0023 wherein the clip can be saved into or sent as file of a plurality of formats) wherein the third content object is in a second content format that is compatible with a second content object entity (0023; e.g. e-mail, a disc, tape, or cd) within the customer's premises (0012; e.g. the system 10 comprises a computer 20... the system may also be connected to a local area network; and 0031 wherein the system is

implemented on a personal computer. Therein, the personal computer and/or local area network is interpreted to be located within the user, or customer's premises), wherein the third content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page (0023; e.g. the modified clip may be saved as a video file or distributed as an email to teach at least a video object and email object), and wherein the third content object is different from the first content format (0023 wherein the saved file is different than the original clip);

and providing the third content object to the second content object entity (0023; e.g. saving to a disc, tape, or cd).

With respect to claim 11, Sherman teaches the method of claim 10, wherein the method further comprises:

accessing a fourth content object from a third content object entity (0032; e.g. a movie clip from a service provider) wherein the fourth content object is in a third content format compatible with the third content object entity (e.g. the clip is stored at a service provider and thus is seen as compatible), wherein the fourth content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an internet web page, and wherein the fourth content object is different from the first content format and the second content format (0032; e.g. the accessed movie clip teaches at least a video object);

abstracting the fourth content object to create a fifth content object (0007 and 0027, wherein audio in the movie clip is replaced and 0013, wherein the original movie clip is taught as

modified. Therein, modification of the movie clip is seen as abstracting and the modified movie clip is a second content object in an abstract format); and

combining the fifth content object with the second content object (0007; e.g. the dubbing of a voice in a selected movie clip and 0023; e.g. inserting photographs into the video), wherein the combination of the second and fifth content objects are distinguished to create the third content object (0023 wherein the saved file is different than the original clip).

With respect to claim 12, Sherman teaches the method of claim 11, wherein the first content object is a video object (0007; e.g. movie clip), and wherein the fourth content object is an audio object (0032; e.g., audio file).

With respect to claim 13, Sherman teaches the method of claim 12, wherein abstracting the first content object includes separating an audio portion from a video portion of the video object (0007; e.g. replacing a voice which would require separating a voice portion from the movie clip).

With respect to claim 14, Sherman teaches the method of claim 11, wherein the first content object is a video object (0007; e.g. movie clip), and wherein the fourth content object is an Internet object (0032; e.g. a movie clip purchased from an Internet web site).

With respect to claim 16, Sherman teaches the method of claim 10, wherein the first content object is a video object (0007; e.g. movie clip), wherein abstracting the first content

object includes removing a visual portion of the video object (0024; e.g. segmenting out a background scene), and wherein the second content object includes an audio portion of the video object (0027; e.g. the remaining soundtrack).

With respect to claim 17, Sherman teaches the method of claim 10, wherein the first content object entity is one of a first plurality of content object entities (0012 wherein storage 50 can be a source for movie clips and further 0024 a pre-recorded video source), wherein the second content object entity is one of a second plurality of content object entities (0023; e.g. a disc, tape, or cd), and wherein the method further comprises:

querying each of the first plurality of content object entities (0013; e.g. retrieving a movie clip from a storage device and figs. 3-4) to identify a first plurality of content objects (fig. 8; e.g. movie clips); and

providing an access point (computer 20), wherein the access point indicates the first plurality of content objects (0013 wherein the computer is used for retrieval), and one or more of the second plurality of content object entities to which each of the first plurality of content objects can be directed (0023; e.g. selecting a distribution method).

With respect to claim 26, Sherman teaches the method of claim 11, wherein the first content object entity is selected from a group consisting of an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream Source, a human interface, the Internet, and an interactive content entity (0012 wherein storage 50 can be a source for movie

clips, 0012 wherein CD-ROMS/DVDs can be sources, and further 0024 a pre-recorded video source and camera. Therein the storages and camera at least teach a storage medium and a/v stream source).

With respect to claim 27, the method of claim 26, wherein the second content object entity is selected from a group consisting of an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet and an interactive content entity (0023; e.g. saving to a disc, tape, or cd teaches at least a storage medium).

With respect to claim 28, Sherman teaches the method of claim 27, wherein the first content object entity is different from the second content object entity (0012 and 0023; e.g. a hard drive and removable storage devices are different).

With respect to claim 29, Sherman teaches the method of claim 27, wherein the third content object entity is selected from a group consisting of all appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet, and an interactive content entity (0032 wherein the service provider teaches at least a storage medium and the Internet).

With respect to claim 30, Sherman teaches he method of claim 29, wherein the first content object entity is different from the second content object entity and the third content object entity (0012, 0023, and 0032 wherein a hard drive is different from a removable storage device and service provider (e.g. seen as a server).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman in view of Sim et al. ('Sim' hereafter, U.S. Patent 7,272,613).**

With respect to claim 15, Sherman does not expressly teach the method of claim 10, wherein the method further comprises: identifying a content object associated with one of the first plurality of content object entities that has expired: and removing the identified content object.

Sim, however, teaches identifying a content object associated with one of the first plurality of content object entities that has expired: and removing the identified content object (col. 54, lines 45-47 and col. 55, line 59 step 'e') for deleting an expired file.

Accordingly, in the same field of endeavor, (i.e. file processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to

combine the teachings of the cited references because the teachings of Sim would have given Sherman the ability to control and manage purchased files for the benefit of protecting intellectual properties (needed by Sherman, 0032). Further, the System of Sim would have provided a way to efficiently use storage space by deleting invalid files.

**Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman in view of Detlef (U.S. Patent 6,351,523).**

With respect to claim 31, Sherman is not seen to expressly teach the method of claim 10, wherein the first content object comprises a voicemail and the third content object comprises an email.

Detlef, however, teaches wherein the first content object comprises a voicemail and the third content object comprises an email (col. 3 lines 1-19) for providing voicemail and email objects for communication.

Accordingly, in the same field of endeavor, (i.e. modification of files), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the system of Detlef would have given the computer of Sherman broader capabilities for the benefit of a more versatile system. Further, Sherman discloses the need for enhancing an email system in paragraph 0009.

With respect to claim 32, Sherman is not seen to expressly teach the method of claim 10, wherein the first content object comprises an email and the third content object comprises a voicemail.

Detlef, however, teaches wherein the first content object comprises a voicemail and the third content object comprises an email (col. 3 lines 1-19) for providing voicemail and email objects for communication.

Accordingly, in the same field of endeavor, (i.e. modification of files), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the system of Detlef would have given the computer of Sherman broader capabilities for the benefit of a more versatile system. Further, Sherman discloses the need for enhancing an email system in paragraph 0009.

***Response to Arguments***

Applicant's arguments filed 3/17/2010 have been fully considered but they are not persuasive.

Applicant argues on page 8 of the reply that "while a modified movie clip may include a replacement audio track as part of the modified movie clip the replacement audio track clearly does not constitute the second content object."

Examiner respectfully disagrees and initially submits that due to the breadth of the language of the claim, and in light of broadest reasonable interpretation (MPEP 2111), Sherman

is maintained as teaching the second content object. Further rationale for maintaining Sherman follows:

The limitation at issue recites "abstracting the first content object to create a second content object in an abstract format, wherein the abstract format is compatible with a plurality of content formats."

Sherman teaches this "second content object" because a process such as modification (corresponding to the claimed "abstracting") is effected upon a first content object (e.g. a movie clip) to produce a modified movie clip (second content object). This second object is seen as in an abstract format because it has been abstracted (i.e. modified) and can be considered an object of replaced parts (see Sherman, 0003 wherein parts of a movie clip are replaced to teach a format change). Further, this second (or, modified) object is seen as "compatible" with a plurality of content formats because 1) content formats such as audio or graphics can be inserted into this object (Sherman, 0024), 2) it is in a different format (e.g. composition) than the first format, and 3) Sherman does not disclose anywhere, where the modified clip cannot exist harmoniously[1] with other content formats – in other words, the modified clip can integrate any possible combination of formats such as audio, graphic, or video.

Moreover, in light of Applicant's disclosure, the claimed "abstract format" can be described as a composite object. See paragraph [0026] which states:

*[0026] In particular instances, the abstraction engine is operable to receive a content object from one of the groups of content object entities, and to form the content object into an abstract format. As just one example, this abstract format can be a format that is compatible at a high level with other content formats. In other instances, the abstraction engine is operable to receive a content object from one of the content object entities, and to derive another content object based on the aforementioned content object. Further, the abstraction engine can be*

[1] See definition of "compatible" *wordnetweb.princeton.edu/perl/webwn*

*operable to receive yet another content object from one of the content object entities and to derive a an additional content object there from. The abstraction engine can then combine the two derived content objects to create a composite content object.*

See also an excerpt from paragraph [0011] wherein a description of "abstracting" is gleaned:

*[0011]...Further, in such a case, abstracting the video content object can include removing the original audio track from the video content object prior to combining the two abstracted content objects...*

Therefore, from at least these portions of the disclosure, Sherman is maintained to teach an abstracting process (e.g. Sherman's modification includes replacing portions of a file (e.g. voice tracks) while the claimed abstracting removes audio tracks) and a content object in an abstract format (Sherman teaches a modified movie clip with inserted segments (0024), while the claimed abstract format can be seen to comprise of a composite format.

Nonetheless, while the claim merely recites "abstracting the first content object to create a second content object in an abstract format", it can be interpreted that a first content object's format is modified (i.e. abstracted) to a second format, to form a second object. Further, the claimed "distinguishing" can merely be seen as changing the abstracted (modified) content object into another, different format. Thus in this light, Sherman teaches retrieving a movie clip (first content object of a first format, or arrangement) and modifying it to create a modified clip (second content object in an abstract format, or arrangement) and distinguishing it by saving it into any of a plurality of formats (0020, 0023).

Accordingly, with breadth of Applicant's claim language, the claims have been given their broadest reasonable interpretation. Furthermore, with lack of a clear description of what is

meant by "abstracting", "compatible with a plurality of content formats", and even "distinguishing", Sherman can be sustained to teach the present claims. As such, Applicant's arguments are respectfully found unpersuasive.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-Th 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/

Examiner, Art Unit 2167

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167